IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 5833 of 2007(T)

PETITIONER:

SUNFERROMELT PVT. LTD., REP. BY
ITS DIRECTOR/AUTHORISED SIGNATORY,
BHATTIPADAV, TALAKALA VILLAGE, P.O.KADAMBAR,
MANJESWAR, KASARAGOD.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS CHAIRMAN, TRIVANDRUM.

2. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, VORKADY.

3. THE APPELLATE AUTHORITY,
THE DEPUTY CHIEF ENGINEER, APTS HEAD QUARTERS,
K.S.E.B. VIGILANCE WING, VYDYUTHI BHAVAN,
PATTOM, TRIVANDRUM-4.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 5833/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PENAL BILL SERVED ON THE PETITIONER DATED 31/12/2005.

P2 : COPY OF THE ORDER OF THE APPELLATE AUTHORITY DATED 17/11/2006.

P3 : COPY OF THE MODIFIED BILL DEMANDING PAYMENT DATED 07/12/2006.

P4 : COPY OF THE JUDGMENT IN WP(C) No. 565/2007 DATED 05/01/2007.

RESPONDENT'S EXHIBITS

R1(a) : COPY OF THE MAHAZAR.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 5833 of 2007

Dated, this the 21st day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel for the KSEB. On going through Ext.P2 order in appeal though upholding theft of power detected on inspection, I find substantial reduction is granted by the appellate authority by assuming several facts in favour of the petitioner. Theft is established and balance is only a matter of estimation of consumption of power. The appellate authority has shown indulgence and decided the appeal substantially in favour of the petitioner by reducing the disputed demand to 50%. He has given detailed reasons thereof. As already stated, assumptions made by the Appellate Authority while deciding the matter in favour of the petitioner are not backed by any material. Therefore, I did not find any ground to interfere with the impugned order in appeal and to grant further relief. However, petitioner is granted installments to clear the arrears as follows. One-third will be paid on or before 25/08/2007 and the balance will be paid in four equal monthly instalments payable on or before 25th of the four months commencing from September 2007.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg